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1 BRIAN D. HENRI (State Bar No. 200205)  
**bhenri@twtlaw.com**  
 2 MATTHEW W. MESKELL (State Bar No. 208263)  
**mmeskell@twtlaw.com**  
 3 W. PAUL SCHUCK (State Bar No. 203717)  
**pschuck@twtlaw.com**  
 4 **THOMAS WHITELAW LLP**  
 Three Embarcadero Center, Suite 1350  
 5 San Francisco, California 94111-4037  
 Telephone: (415) 820-0400  
 6 Facsimile: (415) 820-0405

7 JOSEPH E. THOMAS (State Bar No. 101443)  
**jthomas@twtlaw.com**  
 8 MICHAEL I. KATZ (State Bar No. 181728)  
**mkatz@twtlaw.com**  
 9 **THOMAS WHITELAW LLP**  
 18101 Von Karman Avenue, Suite 230  
 Irvine, California 92612  
 Telephone: (949) 679-6400  
 11 Facsimile: (949) 679-6405

12 AUSTIN TIGHE (*admitted pro hac vice*)  
**austin@feazell-tighe.com**  
 13 **FEAZELL & TIGHE LLP**  
 6618 Sitio Del Rio Boulevard  
 14 Building C-101  
 Austin, Texas 78730  
 15 Telephone: (512) 372-8100  
 Facsimile: (512) 372-8140

16 Attorneys for Plaintiffs

17  
 UNITED STATES DISTRICT COURT  
 18  
 NORTHERN DISTRICT OF CALIFORNIA  
 19  
 SAN FRANCISCO DIVISION

20 MICHAEL E. DAVIS, aka TONY DAVIS,  
 21 VINCE FERRAGAMO, and BILLY JOE  
 DUPREE, on behalf of themselves and all  
 22 others similarly situated,

23                   Plaintiffs,

24                   vs.

25 ELECTRONIC ARTS INC.,

26                   Defendant.

CASE NO. 10-cv-3328 RS (DMR)

**STIPULATION AND [PROPOSED]  
 ORDER RE BRIEFING SCHEDULE AND  
 HEARING DATE ON DEFENDANT  
 ELECTRONIC ARTS INC.'S MOTION  
 TO STRIKE PURSUANT TO C.C.P. §  
 425.16 AND MOTION TO DISMISS**

1 Pursuant to Civil Local Rule 6-2, the parties hereby submit this Stipulated Request for an  
 2 Order regarding the briefing schedule and the hearing date on defendant Electronic Arts Inc.'s  
 3 ("EA") Motion to Strike Pursuant to C.C.P. § 425.16 (Docket No. 62) ("Anti-SLAPP motion")  
 4 and EA's Motion to Dismiss (Docket No. 63) (collectively, "EA's Motions").

5 WHEREAS, on January 6, 2011, EA filed its original motion to dismiss and motion strike  
 6 (Docket No. 20), which was set for hearing February 24, 2011, and re-filed the motions on June 9,  
 7 2011 (Doc. Nos. 62 and 63);

8 WHEREAS, on February 1, 2011, plaintiffs Michael E. Davis, Vince Ferragamo, and Billy  
 9 Joe Dupree (collectively "Plaintiffs") served written discovery on EA;

10 WHEREAS, the parties have had disputes regarding discovery for EA's Motions, and the  
 11 briefing and hearing have been postponed on several occasions to permit resolution of discovery  
 12 disputes (*See, e.g.*, Docket Nos. 35, 57, & 78);

13 WHEREAS, at the Further Case Management Conference on October 27, 2011, the Court  
 14 set the hearing on EA's Motions for December 15, 2011 to allow the parties to address further  
 15 discovery issues with Magistrate Judge Ryu (*see* Docket No. 87), which would have made  
 16 Plaintiffs' opposition briefs due November 28 and EA's reply briefs due December 5;

17 WHEREAS, after a discovery hearing before Magistrate Judge Ryu on November 16, the  
 18 Court issued an Order requiring EA to produce further discovery (Docket No. 92);

19 WHEREAS, EA expects that it will complete production of the discovery by December 8,  
 20 2011, which therefore will require an adjustment to the briefing and hearing schedule in order to  
 21 provide Plaintiffs adequate time to review and consider EA's supplemental discovery responses;

22 WHEREAS, under the Civil Local Rules, Plaintiffs are entitled to file two 25-page  
 23 oppositions (one for each motion) totaling 50 pages, and EA is entitled to file two 15-page replies;

24 WHEREAS, the Plaintiffs believe that the issues of EA's Motions can be addressed more  
 25 efficiently with a single, 35-page opposition and a single, 20-page reply, and EA does not oppose  
 26 Plaintiffs' request;

27 THEREFORE, the parties, by and through their undersigned counsel, hereby stipulate and

1 respectfully request as follows:

2 **STIPULATION**

3 1. The briefing schedule on EA's Anti-SLAPP Motion and Motion to Dismiss  
4 (Docket Nos. 62 & 63), which were filed June 9, 2011, shall be as follows:

- 5 i) Plaintiffs opposition shall be filed no later than January 5, 2012;  
6 ii) EA's reply brief shall be filed no later than January 19, 2012; and  
7 iii) The hearing on the EA's Anti-SLAPP Motion and Motion to Dismiss shall be on  
8 January 26, 2012, at 1:30 p.m., or as soon thereafter as is practical for the Court.

9 2. Plaintiffs shall submit a single opposition to both the Anti-SLAPP Motion and  
10 Motion to Dismiss of no more than 35 pages. EA shall submit a single reply brief of no more than  
11 20 pages.

12 Both parties agree to the stipulation as indicated by their signatures below. The parties  
13 respectfully request that the Court approve the stipulation. A proposed Order is filed herewith.

14 Dated: November 21, 2011

THOMAS WHITELAW LLP

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By: /s/ Brian D. Henri  
BRIAN D. HENRI  
Attorneys for Plaintiffs MICHAEL  
DAVIS, VINCE FERRAGAMO, and  
BILLY JOE DUPREE

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Dated: November 21, 2011

KEKER & VAN NEST LLP

By: /s/ R. James Slaughter  
R. JAMES SLAUGHTER  
R. ADAM LAURIDSEN  
Attorneys for Defendant  
ELECTRONIC ARTS INC.

Pursuant to General Order No. 45, Section 10(b), the efilier of this stipulation, hereby

attests that R. James Slaughter concurs in the efilng of this stipulation.

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Case No. CV-10-3328 RS (DMR)

**[PROPOSED] ORDER**

The Court, having considered the above joint request and good cause appearing therefore,  
HEREBY ORDERS as follows:

The following schedule shall apply to EA's pending Anti-SLAPP Motion and Motion to  
Dismiss (Docket Nos. 62 & 63):

- iv) Plaintiffs opposition shall be filed no later than January 5, 2012;
- v) EA's reply brief shall be filed no later than January 19, 2012; and
- vi) The hearing on the EA's Anti-SLAPP Motion and Motion to Dismiss shall  
be on January 26, 2012, at 1:30 p.m.

Plaintiffs shall submit a single opposition to both the Anti-SLAPP Motion and Motion to  
Dismiss of no more than 35 pages. EA shall submit a single reply brief of no more than 20 pages.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: 11/22, 2011



THE HONORABLE RICHARD SEEBORG

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA